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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,890	11/28/2005	Richard Norman Johnson	9062-000174/US/NP	6109
28997 7590 12/17/2008 HARNESS, DICKEY, & PIERCE, P.L.C 7700 Bonhomme, Suite 400 ST. LOUIS, MO 63105			EXAMINER SPEER, TIMOTHY M	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 12/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,890	Applicant(s) JOHNSON, RICHARD NORMAN	
	Examiner Timothy M. Speer	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,9,10,12-27 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,9,10,12-27 and 29-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/27/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 08/27/08 has been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 6, 9, 12-15, 19-21, 27, 30-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (EP 0945916) in view of Alderson (US 5,817,583). The discussion of Maeda set forth in the Office Action dated 01/07/08 at page 3 is incorporated herein by reference in its entirety. Maeda fails to teach carbonyl iron, teaching ferrites instead. Alderson teaches the functional equivalence of carbonyl iron and ferrite as an EM shielding material (abstract). Accordingly, it would have been obvious to one having ordinary skill in the art to employ carbonyl iron in the article of Maeda, since Alderson teaches that carbonyl iron is a functional equivalent of the ferrite disclosed by Maeda.
4. Claims, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Alderson and further in view of McCullough (US 2002/0014748). Maeda in view of Alderson was discussed above. Regarding McCullough, the rationale set forth in the Office Action dated 01/07/08 at page 5, first full paragraph is incorporated

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herein by reference. Accordingly, the claims are considered obvious in view of the applied combination of references.

5. Claims, 10, 12-15, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Alderson and further in view of Nakamura. Maeda in view of Alderson was discussed above. Regarding Nakamura, the rationale set forth in the Office Action dated 01/07/08 at the paragraph bridging pages 5 and 6 is incorporated herein by reference. Accordingly, the claims are considered obvious in view of the applied combination of references.

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Alderson and further in view of Yenni (US 6,090,728). Maeda in view of Alderson was discussed above. Regarding Yenni, the rationale set forth in the Office Action dated 01/07/08 at page 6, first full paragraph, is incorporated herein by reference. Accordingly, the claims are considered obvious in view of the applied combination of references.

7. Claims 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Alderson and further in view of Nakamura (US 5,841,067). Maeda in view of Alderson was discussed above. Regarding Nakamura, the rationale set forth in the Office Action dated 01/07/08 at the paragraph bridging pages 6 and 7 is incorporated herein by reference. Accordingly, the claims are considered obvious in view of the applied combination of references.

8. Claims 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Alderson and further in view of Ogihara (US 4,299,873). Maeda in view of Alderson was discussed above. Regarding Ogihara, the rationale set forth in

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the Office Action dated 01/07/08 at page 5, first full paragraph is incorporated herein by reference. Accordingly, the claims are considered obvious in view of the applied combination of references.

Response to Arguments

9. Applicant's arguments filed 03/31/08 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Speer whose telephone number is (571)272-8385. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy M. Speer/
Primary Examiner
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